

A G E N D A

OCONEE COUNTY COUNCIL MEETING

TUESDAY, NOVEMBER 1, 1994

7:00 PM

1. Call to Order
2. Invocation
3. Approval of Minutes
4. Consideration of Federal Equitable Sharing Program
"A Guide to Equitable Sharing of Federally
Forfeited Property for State and Local Law
Enforcement Agencies" - Sheriff James Singleton
5. Discussion Regarding Leroy Roadway (SE 11):

 Mr. John W. Field
 Mr. Julian Stoudemire
6. Consideration of ATAX Committee Recommendation for
Landscaping of "Welcome to Oconee County" Signs -
Mr. Ernst Hesterberg, Vice Chairman, ATAX
Committee
7. First Reading of Ordinance 94-11, "An Ordinance to
Amend Oconee County Ordinance 94-7, Providing for
the Development of a Jointly Owned and Operated
Industrial/Business Park Geographically Located in
Williamsburg and Oconee County, so as to Include
Additional Property in that Portion of the Joint
County Industrial Park Located in Oconee County,
South Carolina and Other Matters Relating Thereto"
in Title Only - Mr. Robert Gaillard, Planning
Director
8. Consideration of Request for Contingency Funds to
Repair or Replace Computer Terminal in Assessor's
Office - Mr. Roger Williams, Assessor
9. Consideration of Request to Enter into a Lease
Agreement with the Forestry Service for a 1977
Dodge Brush Truck, Insurance, Batteries & Tires
for the Long Creek Fire Department - Mr. Dewitt
Mize, Rural Fire Marshal
10. Consideration of Recommendation from Goldie &
Associates Regarding HVAC System for Courthouse
Basement - Ms. Marianne Dillard, Purchasing
Director

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AGENDA

November 1, 1994

11. Consideration of Two (2) Change Orders for the Mountain Rest Site Manned Convenience Center - Ms. Marianne Dillard, Purchasing Director & Mr. Jack Hirst, CCS Director
12. Consideration of Bids for Mitsubishi Parts for Motor Pool - Ms. Marianne Dillard, Purchasing Director & Mr. Lee Davis, Motor Pool Foreman
13. Consideration of Proposal for ADA Study/Report - Ms. Marianne Dillard, Purchasing Director
14. Progress Report on Eagle Ridge Formerly Known as Hidden Glen - Dr. Ed Byars
15. Briefing by Legal Counsel Regarding Eagle Ridge Formerly Known as Hidden Glen
16. Old Business
17. New Business
18. Adjourn

6:45 pm Administrative Briefing

6:00 pm Purchasing Committee Meeting for the Purpose of Discussing Request from HDR for Additional Fees Regarding Manned Convenience Centers

MEMBERS, OCONEE COUNTY COUNCIL

Mrs. M. Fran Burrell, District I Mr. Harrison E. Orr, District II
Mr. Michael E. Harper, District III Mr. Roy B. Strickland, District IV
Mr. Alton K. Williams, District V

MINUTES, OCONEE COUNTY COUNCIL MEETING

The regular meeting of the Oconee County Council was held Tuesday, November 1, 1994 at 7:00 pm in Council Chambers with all Council Members and the County Attorney present.

Members of the press notified (by mail):
Journal/Tribune, Keowee Courier, Westminster News, Anderson Independent, Greenville News, WGOG Radio, WBFM Radio, WCCP Radio, WZLI/WLET Radio, WYFF TV, WLOS TV & SC Black Media Group.

Press

Members of the press present: Ashton Hester
- Keowee Courier.

The meeting was called to order by Supervisor
-Chairman Crain who welcomed the guests and media.

Call to Order

The invocation was given by Mr. Williams.

Invocation

Mr. Strickland made a motion, seconded by
Mr. Williams, approved 5 - 0 that the minutes of the October 18,
1994 meeting be adopted as presented.

Minutes

At the request of Sheriff James Singleton,
Mr. Williams made a motion, seconded by Mrs. Burrell, approved
5 - 0 that the attached changes to the Federal Equitable Sharing
Program "A Guide for Equitable Sharing of Federally Forfeited
Property for State and Local law Enforcement Agencies" be
adopted.

Sheriff

By consensus Council adopted the attached
withdrawal of Mr. John W. Fields, Attorney, on behalf of Mr. &
Mrs. George Polk for the County to abandon a portion of Leroy Rd.
(SE 11) and for the Polk's to pay for the relocation and
reconstruction of the roadway.

Leroy Rd.

Upon recommendation of Mr. Ernst Hesterberg,
Vice Chairman, ATAX Committee, Mr. Orr made a motion, seconded
by Mr. Strickland, approved 5 - 0 that the "Welcome to Oconee
County Sign" Committee be granted \$7,000 to the landscaping and
upkeep of the nine (9) new signs to be erected in the County.

ATAX

At the request of Mr. Sam Donald, Chairman,
Sign Committee, Mr. Strickland made a motion, seconded by Mrs.
Burrell, approved 5 - 0 that the landscaping for the signs to
include the rock wall as per the attached drawing be put out for
bids.

By consensus Council adopted the lettering for the signs as per the attached drawing.

By consensus Council adopted the committee's recommendation to recruit help through garden clubs and other civic organizations to maintain landscaping of the signs. (See attached)

Mr. Williams made a motion, seconded by Mr. Orr, approved 5 - 0 that Ordinance 94-11, "An Ordinance to Amend Oconee County Ordinance 94-7, Providing for the Development of a Jointly Owned and Operated Industrial/Business Park Geographically Located in Williamsburg and Oconee County, so as to Include Additional Property in that Portion of the Joint County Industrial Park Located in Oconee County, South Carolina and Other Matters Relating Thereto" be adopted on first reading in title only.

Ord. 94-11

At the request of Mr. Roger Williams, Assessor, Mr. Orr made a motion, seconded by Mr. Strickland, approved 5 - 0 that up to \$2,536.63 be taken from contingency and placed in line item 10 017 00150 00840 for the replacement or repair of a computer in the Assessor's Office.

Assessor

At the request of Mr. Dewitt Mize, Rural Fire Marshal, Mr. Orr made a motion, seconded by Mr. Strickland, approved 5 - 0 that the county enter into an agreement with the Forestry Service for a 1977 Dodge Brush Truck to provide County insurance, batteries and tires as needed. This truck will be housed at Long Creek, but will be available for use wherever needed.

Rural Fire

Upon recommendation of Ms. Marianne Dillard, Purchasing Director and Mr. Paul Lewis, Goldie & Associates, Mr. Harper made a motion, seconded by Mr. Strickland, approved 5 - 0 that the contract for the HVAC system for the basement of the courthouse be awarded to Tri-State in the amount of \$24,250.00 (See attachment) Also that the Tax Center be allowed to remain open Tuesday, November 8, 1994 (General Election Day) and close Thursday, November 10, 1994 and Friday, November 11, 1994 (Veterans Day) for the installation of the system.

HVAC
Courthouse
Basement

At the request of Ms. Marianne Dillard, Purchasing Director & Mr. Jack Hirst, CCS Director, Mr. Strickland made a motion, seconded by Mr. Harper, approved 5 - 0 that the attached change order in the amount of \$3,930 for the Mountain Rest Site be adopted.

Manned
Centers

Also, at the request of Ms. Dillard & Mr. Hirst, Mr. Strickland made a motion, seconded by Mr. Williams, approved 5 - 0 that the attached change order in the amount of \$2,311.00 for the Mountain Rest Site be adopted.

Upon recommendation of Ms. Marianne Dillard, Purchasing Director & Mr. Lee Davis, Motor Pool Foreman, Mr. Williams made a motion, seconded by Mr. Strickland, approved 5 - 0 that the bid for replacement parts for a 1987 Mitsubishi be awarded to Blanchard Machinery, Inc. at a total cost of \$8,757 who was the only bidder. (See attached bid)

Mitsubishi
Parts

Upon recommendation of Ms. Marianne Dillard, Purchasing Director, Mr. Strickland made a motion, seconded by Mrs. Burrell, approved 5 - 0 that Marshall Clark Architects be engaged to conduct an ADA self evaluation study/report at a cost of \$25,000 with the understanding there is no more than fifty (50) County buildings, if there are more than fifty, they will come back to the County to negotiate a cost to do the remainder.

ADA Study

Dr. Byars deferred to Mr. Cain regarding Eagle Ridge, formerly known as Hidden Glen.

Eagle
Ridge

Mr. Cain, County Attorney, informed Council the documents including the proposed agreement between Oconee County and Eagle Ridge and the proposed consent order have been provided to the Court of Common Pleas for review. The Judge has advised the attorneys of questions and concerns regarding portions of the documents, the primary concern seems to be some language in the proposed consent order about the finding that the arrangement will provide for an acceptable level of safety that is equivalent to what presently exists. The attorneys hope to schedule a conference with the court next week to discuss these matters and Mr. Cain will advise Council of the developments in that meeting.

Mr. Orr, Chairman of the Roads & Transportation Committee, informed Council that the Forestry Service needs a letter from the County requesting a right-of-way from them on Whippoorwill Hollow Roadway, first Mr. Hawk will need to check to see if the roadway will qualify for County acceptance if this right-of-way is obtained.

Roads

Upon recommendation of Mr. Crain, Mr. Strickland made a motion, seconded by Mr. Orr, approved 5 - 0 that HDR Engineering be paid an additional fee of \$15,000 to cover added expenses for design and other services including adequate construction monitoring through the completion of the nine (9) convenience centers. (See attachment)

HDR

Mr. Orr made a motion, seconded by Mr. Williams, approved 5 - 0 that a modular home be given the same consideration as a conventional home in Ordinance 91-9, "An Ordinance Establishing Criteria for Accepting Roads Other Than Subdivision Roads for County Maintenance and to Repeal Ordinance 82-7"

Ord. 91-9

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November 1, 1994

Mr. Crain informed Council of the Municipal Meeting to be held at the courthouse.

Municipal Meeting

Adjourn: 8:10 pm

Norman D. Crain
Supervisor-Chairman
Oconee County Council



OCONEE COUNTY SHERIFF'S DEPT.

208 BOOKER DRIVE, COUNTY MAILROOM
WALHALLA, SOUTH CAROLINA 29691

JAMES SINGLETON, SHERIFF

October 5, 1994

Norman D. Crain
Supervisor/Chairman
Oconee County Council
Walhalla, South Carolina 29691

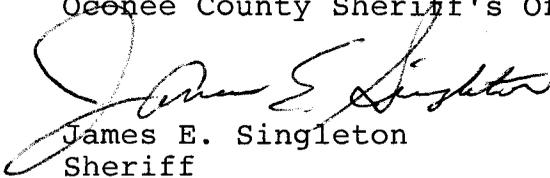
Dear Norman:

Enclosed, please find a copy of the new guidelines for federally seized drug money which will require your signature as well as mine.

Your consideration to this matter is needed as promptly as possible and is greatly appreciated.

Sincerely,

Oconee County Sheriff's Office


James E. Singleton
Sheriff

JES:eb

cc:County Attorney Tim Cain



U.S. Department of Justice

United States Attorney
District of South Carolina

September 30, 1994

First Union Building
Suite 500
1441 Main Street
Columbia, South Carolina 29201

(803) 929-3000

Sheriff James E. Singleton
Oconee County Sheriff's Office
208 Booker Dr., County Mailroom
Walhalla, S. C. 29691

Re: Changes to the Federal Equitable Sharing Program
"A Guide to Equitable Sharing of Federally Forfeited
Property for State and Local Law Enforcement Agencies
(March 1994)

Dear Sheriff Singleton:

The U. S. Department of Justice has made significant changes to the Federal Equitable Sharing Program affecting the sharing of illegal assets which are forfeited through federal administrative or judicial proceedings. The changes, which apply to seizures made or adopted on or after May 1, 1994, are outlined in "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies", and in two articles by the Director of the Executive Office for Asset Forfeiture, which are enclosed.

One significant change having an immediate impact is the requirement for participating agencies to submit an annual "Federal Equitable Sharing Agreement and Annual Certification Report". The report is due 30 days after the start of the receiving agency's fiscal year. Agencies which receive more than \$100,000 in monies or other property in a single year are also required to conduct an annual audit and to provide copies of the audit reports to the Department of Justice.

In order to simplify the transition to the new guidelines in the District of South Carolina, we are requesting that all participating agencies execute the enclosed initial Agreement-Certification form by October 20, 1994, regardless of when their current fiscal year ends. Except for the identifying information at the top of the form, all that is required at this time are the signatures certifying that both the law enforcement agency and its governing body agree to comply with the requirements for participation in the Equitable Sharing Program. Because the Agreement (Part I) is to be considered a part of any and all sharing requests which are submitted by the agency, filing an initial certification now will ensure that an Agreement is on file when your next sharing application is submitted. Please refer to

the enclosed instructions for further information on submitting the initial and subsequent Agreement-Certifications and the audit requirements.

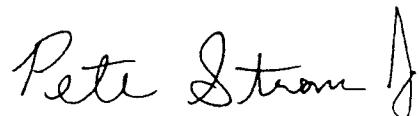
Another notable policy change is that state and local law enforcement agencies may now, at their discretion, "pass through" up to 15% of any shared cash, real or tangible property to governmental agencies or departments to support drug abuse treatment, job skills programs and similar community-based programs. Those governmental agencies may, in turn, transfer monies to private, non-profit community organizations to be spent for such purposes. As indicated in the enclosed article, the Department of Justice considers prevention to be a major component of our enforcement efforts, and law enforcement agencies are encouraged to consider implementing the pass-through provision to support community-based programs. Although the Department of Justice is available to counsel and advise both law enforcement agencies and community organizations, neither the Department of Justice, its component investigative agencies, nor the United States Attorneys' Offices will be directly involved in pass-through decisions. Certain pass-throughs to other law enforcement agencies are also permitted under the new guidelines.

We are planning to conduct an Asset Forfeiture training conference in Columbia, S.C., on December 5-6, 1994, which will be devoted to the Equitable Sharing Program and other important forfeiture-related issues. Rebecca C. Plyler, our Law Enforcement Coordinator, will be sending further details about the conference to you in the next few weeks, so please keep these dates in mind when planning your December schedules. We would also appreciate any suggestions you have for particular forfeiture-related topics which you would like to have included in the program.

If you have any questions regarding the recent policy changes or the Equitable Sharing Program generally, please call our Forfeiture Program Manager, Sylvia K. Amaker, at (803) 929-3017.

Since 1989, state and local law enforcement agencies in South Carolina have received over \$13.2 million through the Equitable Sharing Program. The federal law enforcement community fully recognizes and appreciates your support of our efforts, and we look forward to continuing the progress we have made.

Sincerely,



J. PRESTON STROM, JR.
UNITED STATES ATTORNEY

JPS, jr./ska
Enclosures

U. S. DEPARTMENT OF JUSTICE
FEDERAL EQUITABLE SHARING AGREEMENT
AND
ANNUAL CERTIFICATION REPORT

Agency: _____ Reporting Period (Your Fiscal Year): _____
Address: _____ NCIC Code: _____
Bank Routing Code and Account Number for EFT Purposes: _____
Contact person: _____
Telephone No: _____

I. FEDERAL EQUITABLE SHARING PROGRAM AGREEMENT

This Agreement is entered into among (1) the Department of Justice, (2) the (above stated law enforcement agency) and (3) the (governing body) in order to recite the requirements for participation in the Federal Equitable Sharing Program and the restrictions upon the use of federally forfeited property or proceeds from such property that is equitably shared with participating agencies. By their signatures below, the parties agree to be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the Federal Equitable Sharing Program:

1. That any shared assets shall be used for the law enforcement purposes specified in the DAG-71 request submitted by the requesting agency; that requests for a change in use from that specified in the DAG-71 must be submitted in writing to the federal decision-maker or the Asset Forfeiture Office, Criminal Division, U.S. Department of Justice, P.O. Box 27322, Central Station, Washington, D.C. 20038.
2. That the misuse or misapplication of shared assets, or supplantation of existing resources with shared assets is prohibited. Failure to comply with this provision shall subject the recipient agency to the sanctions stipulated in A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies (March 1994), hereinafter referred to as the Guide.
3. That this Agreement will be submitted annually to the Executive Office for Asset Forfeiture and the United States Attorney in the district in which the recipient law enforcement agency is located and/or in which the shared asset was forfeited.
4. That this Agreement is considered a part of any and all sharing requests submitted by the above-referenced state or local law enforcement agency.
5. That the parties agree to establish and/or maintain Federal Equitable Sharing Program funds in a separate account, and further agree that funds from state forfeitures or other sources will not be deposited or otherwise commingled with the federal equitable sharing funds. The parties further agree that such account will be subject to the standard accounting requirements and practices employed for other such public monies as supplemented by requirements set out in the Guide.
6. That the recipient law enforcement agency and its governing body agree to conduct an annual audit of any funds or property received or expended under the Federal Equitable Sharing Program to insure compliance with this Agreement and all applicable statutes and policies, and to submit a copy of the audit to the Executive Office for Asset Forfeiture and to the United States Attorney in the district in which the recipient agency is located and/or in which the shared asset was forfeited.
7. That the undersigned law enforcement official certifies that the receiving state or local law enforcement agency is in compliance with the provisions of the Guide and the National Code of Professional Conduct for Asset Forfeiture.

II. ANNUAL CERTIFICATION REPORT

The undersigned hereby certify that the following is an accurate accounting of funds received and expended by the law enforcement agency under the Federal Equitable Sharing Program during this reporting period:

Beginning Fund Balance (beginning of your fiscal year)	\$ _____
Federal Sharing Fund Received (during your fiscal year)	\$ _____
Total Equitable Sharing Funds	\$ _____
Interest Income Accrued	\$ _____
Federal Sharing Funds Expended (during your fiscal year)	\$ _____
Equitable Sharing Fund Balance	\$ _____

III. DATA FOR ASSESSING LAW ENFORCEMENT BENEFITS

Total spent on salaries for new, temporary, NTE 1-year employees, and overtime	\$ _____
Total spent on informant payments	\$ _____
Total spent on travel and training	\$ _____
Total spent on communications and computers	\$ _____
Total spent on firearms, weapons, body armor	\$ _____
Total spent on electronic surveillance equipment	\$ _____
Total spent on building and improvements	\$ _____
Total spent on other law enforcement expenses	\$ _____
Total passed-through for non-law enforcement uses	\$ _____
Total annual law enforcement budget for your jurisdiction for current fiscal year	\$ _____
Total annual budget for non-law enforcement agencies for current fiscal year	\$ _____
Total annual law enforcement budget for your jurisdiction for prior fiscal year	\$ _____
Total annual budget for non-law enforcement agencies for prior fiscal year	\$ _____

Under penalties of perjury, I declare that to the best of my knowledge and belief, the information set forth in this agreement is true and correct.

Signature, Law Enforcement Official

Date

Typed Name/Title

Signature, Designated Representative
of Governing Body

Date

Typed Name/Title

NEW GUIDE FOR EQUITABLE SHARING OF FEDERALLY FORFEITED PROPERTY

by Cary H. Copeland
Director and Chief Counsel
Executive Office for Asset Forfeiture
United States Department of Justice

Equitable sharing of federally forfeited property with participating state and local prosecutive and investigative agencies has been a dramatic success. Sharing has fostered improved cooperation and coordination among federal, state, and local law enforcement authorities throughout the nation.

As forfeiture requires additional investigative effort and is highly paperwork intensive, sharing has also helped provide state and local law enforcement agencies with the resources they need to mount aggressive local seizure and forfeiture programs. The future growth of this highly effective law enforcement weapon, therefore, requires that we continue to reinvest forfeiture proceeds in law enforcement efforts calculated to result in further seizures and forfeitures.

Equitable sharing has also provided significant assistance to hard-pressed state and local agencies during the austere budget times of recent years. Since the Justice Department's sharing program commenced in 1986, the Department has shared almost \$1.5 billion in federally forfeited cash and property with more than 3,000 different state and local law enforcement agencies. In addition, the Treasury Department agencies have

shared over \$400 million in forfeiture proceeds and forfeited tangible property with state and local agencies bringing total federal sharing to almost \$2 billion through June of 1994. Obviously, any threat to the equitable sharing program jeopardizes law enforcement nationally. It is essential, therefore, that the integrity of the sharing program be above reproach.

The new Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies, March 1994 (popularly known as "the orange book" and cited hereinafter as The Guide) sets out a number of requirements intended to protect against the potential for fraud, waste, and abuse in connection with sharing. Although some of the requirements impose additional accounting, audit, and other paperwork requirements, we believe these safeguards are necessary to maintain public confidence in the sharing program. The new measures will benefit law enforcement agencies in the long run by promoting improved compliance with program requirements and goals.

The following are the most significant changes in the new Guide, including comments on their purpose and suggestions on complying with the new requirements:

A. Management Enhancements.

1. Accounting Controls. Pursuant to Part XI (page 18) of the new Guide, sharing monies must be held in a governmental account and separated from state forfeiture proceeds and other sources of revenue which may be subject to different uses.

Commentary: The key here is to ensure that there is an audit trail for federal forfeiture proceeds. It may be that sharing monies can be kept in the same governmental "account" as other monies provided that they are keyed to a unique accounting code which will enable budget officers and auditors to track all transactions involving federal sharing proceeds.

2. Program Agreement and Certification. Appendix E to the Guide sets out the format for an agreement between the receiving law enforcement agency and its governing body (e.g., the city council for a metropolitan police department) in which both parties agree to abide by federal sharing guidelines. This requirement was added to protect law enforcement agencies from governing bodies which may be under pressure to divert equitable sharing proceeds to non-law enforcement uses or to force receiving agencies to use their sharing proceeds to supplant rather than increase their budgets. A form certification report is also provided on the reverse side of the agreement form.

Commentary: For agencies on a July 1 to June 30 fiscal year cycle, a completed agreement and certification report was due to the Executive Office for Asset Forfeiture, Office of the Deputy Attorney General, U.S. Department of Justice, Washington, D. C. 20530 by August 1, 1994. As this is a new requirement, we will be liberal in granting extensions of time within which to file the agreement and certification. Moreover, as the new Guide only applies to sharing from seizures occurring on or after May 1, 1994, it will be some time before significant amounts of

sharing money will be subject to the new Guide. The initial certification report, therefore, for agencies on a July 1 to June 30 fiscal year, requires nothing more than signatures certifying that the agency will comply with the Guide as to sharing transfers which it will receive during the coming fiscal year. For those with a January 1 to December 31 fiscal year, the first agreement and certification agreement are due February 1, 1995.

3. Audit. Agencies which receive \$100,000 or more in shared cash and property in a year or which have a balance of \$100,000 or more on hand must ensure that their forfeiture receipts and expenditures are audited and a copy of the audit report furnished to the Executive Office for Asset Forfeiture. The audit must be consistent with the requirements set out at Appendix D of the new Guide. If an agency or task force promptly passes through sharing monies to other law enforcement agencies, the transferring agency or task force is only responsible for audit of the monies it retains.

Commentary: If state or local governmental auditors perform an audit which is consistent with the criteria in Appendix D of the Guide, then a photocopy of that audit report will satisfy the new audit requirement. If no governmental audit is performed, then the law enforcement agency should use equitable sharing monies to retain an independent accounting firm to perform the audit. The first annual audits will be due in September of 1995 for agencies that operate on a July 1 - June 30 fiscal year. Audits should embrace properties received from both

the Departments of Justice and the Treasury; one audit of all federal sharing receipts will satisfy the requirements of both Departments. If a receiving agency which is subject to annual governmental audit has a federal audit due date of September 1995 but knows that a governmental audit report will be available in October, it should advise the Executive Office for Asset Forfeiture in writing of this fact; we will await the regular governmental audit if it is scheduled to be completed within a reasonable time. Similarly, if it requires some additional time to "close" the accounting books for a fiscal year and complete an audit, we will allow additional time for compliance with the audit requirement. In sum, we will strive to apply this and the other new requirements in a reasonable manner.

B. Uses of Shared Property.

Part X of the new Guide (pages 10-14) provides much more detailed guidance than ever before both as to permissible and impermissible uses of shared property. In addition, Appendix B to the Guide sets out a number of actual uses of shared monies. Each example is followed by a discussion of the propriety of the specific use. It is hoped that these provisions of the new Guide will respond to requests of law enforcement agencies for clearer guidance on how shared property can properly be used.

Commentary: We have received questions regarding the use of sharing proceeds to pay the salaries of law enforcement personnel. The limitation on payment of salaries is intended: (1) to avoid any appearance of conflict of interest which may

arise when law enforcement personnel depend upon forfeiture proceeds for their livelihood; and (2) to reduce the use of sharing monies to supplant rather than supplement law enforcement budgets. Where the salary use restriction would work a hardship upon an agency or task force which has traditionally financed law enforcement positions with sharing proceeds, the Executive Office for Asset Forfeiture will work with affected agencies in an effort to fashion a solution which will accommodate the needs of the receiving agency while achieving the purposes stated above.

C. Pass-Throughs for Community Development.

Since May of 1992, the Department of Justice has permitted the "pass-through" of forfeited real properties for a broad range of crime and drug prevention, education, and treatment programs and for a variety of community-development initiatives. The new Guide extends "pass-throughs" to forfeited tangible property (e.g. motor vehicles) and to shared cash.

Attorney General Janet Reno is the foremost spokesperson for the view, shared by most law enforcement professionals, that traditional law enforcement (investigation, arrest, prosecution, and incarceration) will never solve the nation's drug and crime problems. Rather, it is only through human and community development initiatives -- combined with effective law enforcement -- that we can hope to roll back crime levels.

The "pass-through" program, therefore, is intended to ensure that the asset forfeiture program does its part in supporting human and community development efforts. Although initial levels

of asset forfeiture support will be modest, we are working to see that the forfeiture program grows in the years ahead. As forfeitures increase, we will obviously be able to provide expanded support for these social initiatives. It is important, therefore, that the "pass-through" program be conducted in a cooperative manner that does not impede the growth of the forfeiture program.

Commentary: Pass-throughs apply to sharing from seizures conducted on or after May 1, 1994, and are at the discretion of the state or local law enforcement agency. The Department of Justice encourages law enforcement agencies to carefully consider implementing the pass-through provision. How it is applied in each community, however, should be determined locally based upon a review of local law enforcement needs and resources and human and community development needs and resources.

The Department of Justice encourages community organizations to coordinate among themselves and with appropriate local public officials so that, wherever possible, there is an agreed and realistic proposal for presentation to local law enforcement agencies. If, for example, the greatest need in a community is for a youth center, then community organizations should work with city youth services or recreation officials. If, by contrast, local law enforcement officials are faced with a host of different and competing proposals requesting dozens of times the amount of assistance available, this will obviously undermine prospects for success.

Early indications are that agencies will apply the new pass-through provision in a variety of ways: one law enforcement agency plans to pass-through forfeited real and personal property but not shared cash; some law enforcement agencies expect to do pass-throughs of suitable forfeited real and personal property and the full 15% of cash sharing receipts allowable under the new Guide; some agencies plan to use the 15% to institute community policing; and some agencies are taking a middle ground approach, e.g. law enforcement agencies in one Southern county have dedicated 10% of their sharing receipts to the local non-profit corporation which is overseeing the "Seed" component of the local Weed and Seed Program. The Department of Justice will defer to local authorities on such matters. Again, however, we encourage agencies to assist in meeting human and community development resource needs to the maximum extent possible.

D. Curbing Supplantation and Diversion of Shared Property.

Due to tight budgets, some states and political subdivisions have attempted to "raid" law enforcement forfeiture accounts. These raids have come in two forms: (1) direct (diversions), and (2) indirect (supplantation). An example of a diversion would be the expenditure of federal sharing proceeds on street repair. An example of a supplantation would be the reduction of the budget of a police department which receives federal sharing money to force the police department to use its equitable sharing monies to fund regular department operations.

The new Guide stresses at page 14 that sharing proceeds must increase law enforcement budgets. If an agency receives \$150,000 in federal sharing proceeds, then it should have succeeded in increasing its resources by \$150,000. It is our hope that the new agreement, audit, and certification requirements discussed above will substantially reduce diversion and supplantation problems. In addition, the "pass-through" provisions provide communities with an approved mechanism for getting forfeited real and tangible property and up to 15% of cash sharing proceeds back into community-based non-law enforcement initiatives.

In light of this multiple-prong effort to choke off diversion and supplantation, we will move aggressively to detect and remedy such abuses if they continue to occur. The sanctions for non-compliance with the new Guide are set out at page 19.

E. Sharing Percentages in Adoptive Cases. Where a federal seizing agency "adopts" a state or local seizure for federal forfeiture, a "flat-rate" percentage has always been used to calculate the federal share representing the work involved in converting a seizure into a forfeiture. In September of 1990, the Department of Justice adopted a two-tier federal share in adoptive cases: 15% for uncontested cases and 20% for contested cases. The 1990 increase was based upon a determination that the United States of America was not receiving its equitable share of adoptive forfeiture proceeds at the original 10% sharing rate.

The new Guide attempts to simplify matters by returning to a single rate: 20%. This change was motivated primarily by a

desire to establish a uniform federal policy. The Department of the Treasury, in its October 1993 sharing guide, established a 20% federal share for cases adopted by Treasury agencies.

As some law enforcement officials feel that the 20% share may be unfair to state and local agencies, we have contracted with an independent accounting firm to review federal sharing and to determine whether the 20% figure is too high, too low, or appropriate as is. We will advise all interested persons of the results of that review.

In conclusion, most Americans favor taking the profit out of crime through asset forfeiture and see the poetic justice involved in using crime proceeds to help finance law enforcement. We must, however, strive for utmost integrity in the asset forfeiture and equitable sharing programs if they are to survive into the Twenty-First Century. No government program can long endure, much less thrive, without public confidence and support. The new Guide represents a major effort to strengthen the integrity of the sharing program and to enhance prospects that forfeiture and sharing will be available to our successors for decades to come.

Questions regarding sharing may be referred to federal seizing agencies, the Law Enforcement Committee Coordinator in your local United States Attorney's Office, the Criminal Division's Asset Forfeiture Office (202/514-1263), or the Executive Office for Asset Forfeiture (202/616-8000).

August 2, 1994

U. S. DEPARTMENT OF JUSTICE
FEDERAL EQUITABLE SHARING AGREEMENT
AND ANNUAL CERTIFICATION REPORT

INFORMATION AND INSTRUCTIONS

PARTICIPATION IN THE U. S. DEPARTMENT OF JUSTICE EQUITABLE SHARING PROGRAM:

Illegal assets may be forfeited by a federal investigative agency through administrative proceedings, or they may be forfeited by order of the Court after the United States Attorney files a civil or criminal forfeiture action in U.S. District Court. A state or local law enforcement agency which directly participates in an investigation or prosecution which results in the federal forfeiture of illegal assets may request an equitable share of the assets forfeited in the case. The U.S. Postal Inspection Service, The Department of the Treasury and the U.S. Department of Justice each have equitable sharing programs which are very similar; however, the application forms and procedures, the decision-making process and the policies which apply to the sharing of forfeited assets in a particular case depend upon which federal agency conducted the investigation or adopted the asset for federal forfeiture. The U.S. Department of Justice Equitable Sharing Program applies to investigations conducted or adopted by the U.S. Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), the U.S. Immigration and Naturalization Service (INS), and certain cases investigated by the U.S. Postal Inspection Service. In order to apply for an equitable share, the participating state or local law enforcement agency must submit a Form DAG-71, "Application For Transfer of Federally Forfeited Property" to the Department of Justice agency which is in charge of the joint investigation or which adopted the case for federal forfeiture. Information on policies and procedures to be followed in investigations conducted or adopted by the U.S. Postal Inspection Service or component agencies of the Department of the Treasury can be obtained from those agencies.¹

APPLICABILITY:

The following instructions apply only to the "Federal Equitable Sharing Agreement and Annual Certification Report" required of state and local law enforcement agencies participating in the U. S. Department of Justice Equitable Sharing Program, as outlined in "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies", (March, 1994), published by the Executive Office for Asset Forfeiture, Office of the Deputy Attorney General, U. S. Department of Justice. The Department of the Treasury requires that a similar form be completed by agencies participating in the Treasury Equitable Sharing Program; however, instructions for completing and submitting the Treasury form should be obtained from the appropriate Treasury investigative agency.

¹The Department of the Treasury's Equitable Sharing Program applies to cases investigated or adopted by the U.S. Customs Service, the Internal Revenue Service (IRS), the Bureau of Alcohol, Tobacco and Firearms (ATF), and the U.S. Secret Service. The U.S. Postal Inspection Service has a similar program for assets forfeited administratively by that agency; however, the U.S. Department of Justice Equitable Sharing Program applies to U.S. Postal Inspection Service cases in which assets are forfeited after the U.S. Attorney files a civil or criminal forfeiture action in U.S. District Court.

U.S. DEPARTMENT OF JUSTICE "FEDERAL EQUITABLE SHARING AGREEMENT AND ANNUAL CERTIFICATION REPORT" - WHO SHOULD COMPLETE THE FORM:

The U.S. Department of Justice "Federal Equitable Sharing Agreement and Annual Certification Report" (hereafter referred to as the "Agreement/Certification") is to be executed annually by agencies participating in the Department of Justice Equitable Sharing Program ("participating agencies"). The Agreement/Certification is considered a part of any and all sharing requests submitted by the requesting agency. Therefore, each state or local law enforcement agency which participates in the U.S. Department of Justice Equitable Sharing Program will be required to either submit the Agreement/Certification as part of the first sharing request they submit after implementation of the new guidelines, or to have a current Agreement/Certification on file before future equitable sharing can occur.

- Agencies Currently Participating in the Equitable Sharing Program:
If your agency has submitted a DAG-71, "Application for Transfer of Federally Forfeited Property" to a U.S. Department of Justice component agency and your agency has not yet received the equitable sharing funds or property requested, an initial Agreement/Certification should be submitted immediately to avoid delay in disbursing funds or transferring the property to your agency.
- Agencies Which Regularly Participate in the Equitable Sharing Program:
Although it is not required, we are also requesting that any agency which has submitted an equitable sharing request during the past three years likewise submit an Agreement/Certification by October 20, 1994, even if the agency may not have sharing requests that are still pending. This will permit us to have current Agreements on file for the majority of agencies which regularly participate in the Equitable Sharing Program and will expedite processing of any future sharing requests which may be filed by those agencies. (See attached).
- Other Agencies:
It is not necessary for other agencies (those which do not have pending sharing requests, or those which have not filed a sharing request during the past three years) to submit the Agreement/Certification at this time, although doing so could expedite processing in the event a sharing request is submitted during the current fiscal year. Those agencies which believe it is unlikely they will submit sharing requests within the current fiscal year may opt instead to submit the Agreement/Certification at the time their first sharing request is submitted.

"AGREEMENT/CERTIFICATION" FORMS - DUE DATES AND INFORMATION REQUIRED:

Initial Agreement/Certification:

The agencies outlined above which submit an initial "Agreement/Certification" form should complete and mail the form to the addresses reflected below by October 20, 1994. The initial Agreement-Certification requires only that the recipient agency and its governing body certify they will comply with the statutes and guidelines that regulate shared assets (Part I-Agreement). The initial Agreement/Certification will be in effect for the duration of the agency's current fiscal year and requires only the identifying information about the participating agency and signatures by the law enforcement official and governing body entering into the "Federal Equitable Sharing Program Agreement", (Part I). The accounting information in Parts II and III are not required in the initial submission.

Subsequent Agreement/Certification Reports:

At the end of your agency's current fiscal year and at the end of each subsequent fiscal year during which equitable sharing occurs, a new Agreement/Certification should be submitted, at which time the accounting information in Part II, "Annual Certification Report", and Part III, "Data for Assessing Law Enforcement Benefits", for property received during the previous fiscal year will be required. The first annual report with accounting data should be submitted to the United States Attorney(s) and the Executive Office for Asset Forfeiture at the addresses shown below within 30 days after the start of your agency's next fiscal year, as follows:

- Agencies which operate on a January 1 - December 31 fiscal year basis:
Report due February 1, 1995.
- Agencies which operate on a July 1 - June 30 fiscal year basis:
Report due August 1, 1995;

(Suggestion: Make additional blank copies of the Agreement/Certification form prior to completing the initial Agreement/Certification and maintain the forms in your file for preparation of subsequent annual reports).

Identifying Information Required (PLEASE TYPE):

- Agency: The correct name of the law enforcement agency
- Reporting Period: The inclusive dates of the agency's current fiscal year (e.g., July 1, 1994 - June 30, 1995 or January 1, 1994 - December 31, 1994)
- Address: Agency's correct mailing address, city, state and zip code
- NCIC Code: If the NCIC Code is not known, contact the federal investigative agency responsible for processing the forfeiture for assistance.
- Bank Routing Code and Account Number for EFT (Electronic Funds Transfer) Purposes: If the code and account number are unknown, contact your fiscal officer or accounting department for assistance.
- Contact Person / Telephone Number: The name, title and telephone number of the individual responsible for submission of the Agreement/Certification form and knowledgeable about its contents.

Signatures Required:

- Signature, Law Enforcement Official - Signature of the Sheriff, Chief of Police or head of the law enforcement agency authorized to enter into the agreement
- Title - Typed name / title of Law Enforcement Official
- Signature, Designated Representative of Governing Body - Signature of the appropriate official of your agency's governing body with authority to enter into such agreements and who can certify the accuracy of accounting information which will be required in future reports, such as Chairman of the County Council, etc.
- Title - Typed name / title of official of your agency's governing body.

Annual Certification Report / Data for Assessing Law Enforcement Benefits:

- Not required for initial Agreement/Certification, but required annually thereafter;
- Financial data and certification are required at the beginning of the agency's fiscal year as outlined above.

SUBMITTING THE "AGREEMENT/CERTIFICATION" FORM

- Mail the original of the completed "Agreement/Certification" form to:

Asset Forfeiture Program Manager
United States Attorney's Office
District of South Carolina
1141 Main Street, Suite 500
Columbia, S.C. 29201

- Also simultaneously mail a copy of the completed "Agreement/Certification" form to:

U.S. Department of Justice
Office of the Deputy Attorney General
Executive Office for Asset Forfeiture
901 E Street, NW, Suite 832
Washington, D.C. 20530

- If your agency submits or has submitted equitable sharing requests in cases involving assets which will be forfeited in a judicial district other than the District of South Carolina, a copy of the Agreement/Certification should also be submitted to the United States Attorney in that judicial district. The federal investigative agency handling the case should be able to provide information as to the judicial district where the forfeiture will occur and the names/addresses of the appropriate U. S. Attorney(s).
- Maintain a copy of the completed Agreement/Certification for your records.

AUDIT REPORTS - WHO SHOULD HAVE AUDITS CONDUCTED:

Agencies which receive \$100,000 or more in shared cash and property in a year or which have a balance of \$100,000 or more on hand must ensure their forfeiture receipts and expenditures are audited. If an agency or task force promptly passes through sharing monies to other law enforcement agencies, the transferring agency or task force is only responsible for audit of the monies it retains. If governmental auditors perform an audit consistent with Appendix D of the Guide, a photocopy of that audit report will satisfy the new audit requirement. If no governmental audit is performed, the agency should use equitable sharing monies to retain an independent accounting firm to perform the audit.

AUDIT REPORTS - DUE DATES:

The first annual audits will be due in September of 1995 for agencies that operate on a July 1 - June 30 fiscal year and should include all properties received from both the Department of Justice and the Department of Treasury. Copies of audit reports should be submitted to the United States Attorney and the U.S. Department of Justice Executive Office for Asset Forfeiture at the addresses shown above. Requests for extensions of time should be submitted in writing to the Executive Office for Asset Forfeiture as outlined in the enclosed article by Director Cary Copeland. Agencies which also receive sharing funds from the Department of Treasury should contact the relevant Treasury agency for information on submission of audit reports to the Department of the Treasury.

**SOUTH CAROLINA LAW ENFORCEMENT AGENCIES WHICH HAVE RECEIVED
MONEY OR PROPERTY THROUGH THE DEPARTMENT OF JUSTICE
EQUITABLE SHARING PROGRAM
October 1, 1991 - September 30, 1994**

POLICE DEPARTMENTS:

Aiken Department of Public Safety
Camden City Police Department
Cayce Public Safety Department
Central Police Department
Charleston City Police Department
Cheraw City Police Department
Columbia City Police Department
Florence City Police Department
Fountain Inn City Police Department
Gaffney City Police Department
Georgetown City Police Department
Greenville City Police Department
Greenville-Spartanburg Airport Police
Greer Police Department
Isle of Palms Police Department
Moncks Corner City Police Department
Mt. Pleasant City Police Department
New Ellenton City Police Department
Newberry City Police Department
North Charleston City Police Department
Rock Hill City Police Department
Simpsonville City Police Department
South Congaree Police Department
Spartanburg Public Safety Department
Summerville City Police Department
Sumter City Police Department
West Columbia Police Department

SOLICITOR'S OFFICES:

Fifth Circuit Solicitor
Ninth Circuit Solicitor
Second Circuit Solicitor
Thirteenth Circuit Solicitor

SHERIFF'S OFFICES:

Berkeley County Sheriff's Office
Charleston County Sheriff's Office
Cherokee County Sheriff's Office
Chesterfield County Sheriff's Office
Clarendon County Sheriff's Office
Darlington County Sheriff's Office
Dillon County Sheriff's Office
Dorchester County Sheriff's Office
Florence County Sheriff's Office
Georgetown County Sheriff's Office
Greenville County Sheriff's Office
Greenwood County Sheriff's Office
Horry County Sheriff's Office
Jasper County Sheriff's Office
Laurens County Sheriff's Office
Lexington County Sheriff's Office
Newberry County Sheriff's Office
Oconee County Sheriff's Office
Orangeburg County Sheriff's Office
Richland County Sheriff's Office
Spartanburg County Sheriff's Office
Sumter County Sheriff's Office
Union County Sheriff's Office
Williamsburg County Sheriff's Office
York County Sheriff's Office

STATE AGENCIES:

Governor's R.A.I.D. Team/S.L.E.D.
S.C. Department of Corrections
S.C. Highway Patrol
S.C. Law Enforcement Division/SLED
S.C. Wildlife Resources Division



U.S. Department of Justice

Office of the Deputy Attorney General

Executive Office for Asset Forfeiture

Washington, D.C. 20530

PASS-THROUGHS OF FORFEITED PROPERTY FOR COMMUNITY DEVELOPMENT

by Cary H. Copeland
Director and Chief Counsel
Executive Office for Asset Forfeiture
U.S. Department of Justice
(July 29, 1994)

Attorney General Janet Reno is the nation's foremost spokesperson for the view, shared by most law enforcement professionals, that traditional crime suppression measures alone (investigation, arrest, prosecution, and incarceration) will never solve the nation's drug and crime problems. Rather, it is only through prevention and intervention programs including human and community development initiatives -- along with strong law enforcement -- that we can hope to roll back crime levels.

Asset forfeiture is an important part of the comprehensive law enforcement attack on crime generally and drug trafficking in particular. The forfeiture of the proceeds and instrumentalities of illicit activity takes the profit out of crime and weakens crime syndicates. Forfeiture proceeds also help finance law enforcement without placing an additional burden on taxpayers.

Recognizing that traditional law enforcement efforts must be supplemented by a broad range of prevention, treatment, and other programs, the Department of Justice has, since May of 1992, permitted the "pass-through" of federally forfeited real properties for any of a broad range of crime and drug prevention,

education, and treatment programs or for a variety of community-development initiatives such as youth centers, job skills centers, and public housing programs. The new edition of A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies approved by Attorney General Reno on March 26, 1994, codifies the real property pass-through provision and extends the pass-through concept to forfeited tangible property (e.g., motor vehicles) and to the shared cash proceeds of federal forfeitures.

The new pass-through program, therefore, is intended to ensure that the asset forfeiture program does its part in supporting prevention and intervention efforts. Although initial levels of asset forfeiture support will be modest, we are working to see that the forfeiture program grows in the years ahead. As forfeitures increase, the asset forfeiture program will obviously be able to provide expanded support for social service initiatives. It is important, therefore, that the pass-through program be conducted in a cooperative manner that does not impede the future growth of the forfeiture program.

Pass-throughs apply to sharing from seizures conducted on or after May 1, 1994, with the result that it will be some months before significant amounts of "new money" are available for pass-through. Also, pass-throughs are at the discretion of the state or local law enforcement agency. The Department of Justice encourages law enforcement agencies to carefully consider implementing the pass-through provision. Neither the Department

of Justice nor its component agencies (such as U.S. Attorneys' Offices, DEA, etc.) will be directly involved in pass-through decisions. How the new pass-through program is implemented, therefore, will be determined locally based upon local law enforcement and social service needs and available resources.

Early indications are that agencies will apply the new pass-through provision in a wide variety of ways: one law enforcement agency plans to pass-through forfeited real and personal property but not shared cash, some law enforcement agencies expect to do pass-throughs of suitable forfeited real and personal property and the full 15% of cash sharing receipts, some agencies will use the 15% to implement community policing, and some agencies are taking a middle ground approach, e.g. law enforcement agencies in one Southern county have dedicated 10% of their sharing receipts to the local non-profit corporation which is overseeing the "Seed" component of the local Weed and Seed Program. The Department of Justice will defer to local authorities on such matters. For the reasons set out above, however, we do encourage law enforcement agencies to assist in meeting social service resource needs to the maximum extent possible.

The Department of Justice encourages community organizations to coordinate among themselves and with appropriate local public officials so that, wherever possible, there is an agreed and realistic proposal for presentation to local law enforcement agencies. If for example, the greatest need in a community is for a youth center, then community organizations should work with

city youth services or recreation officials in framing a proposal for consideration by local law enforcement officials. If, by contrast, local law enforcement officials are faced with a host of different and competing proposals requesting dozens of times the amount of assistance available, this will obviously undermine prospects for success.

Moreover, sensitivity to genuine limitations faced by law enforcement agencies is clearly in order. There are real-life, practical reasons why some law enforcement agencies may not be able to implement the new pass-through provisions immediately. In addition, law enforcement agencies receive sharing proceeds on a case-by-case basis following successful forfeitures and cannot predict how much will be received in any given year. Finally, many enforcement agencies already use a portion of their sharing proceeds for drug abuse education and other non-traditional initiatives that benefit the community. An incremental approach and a comprehensive, long-term view are recommended.

In sum, the Department of Justice is available to counsel and advise both law enforcement agencies and community organizations. The way in which the new pass-through program operates and the extent to which it is implemented throughout the country, however, will vary from community to community. As we gain experience under the new Guide, the Department will issue supplemental guidance.

LAW OFFICE
JOHN W. FIELDS, P. A.
ATTORNEY AT LAW
#10 COMMONS BLVD.
P. O. BOX 1287
SENECA, SOUTH CAROLINA 29679

JOHN W. FIELDS

TELEPHONE: (803)882-1812
FAX (803)882-1899

October 31, 1994
Via Fax 638-4241

The Honorable Norman D. Crain
Supervisor/Chairman
Oconee County Council
Public Service Building
208 Booker Drive
Walhalla, South Carolina 29691

Re: Re-construction/Re-location of existing county roadway
known as Leroy Road (SE11)

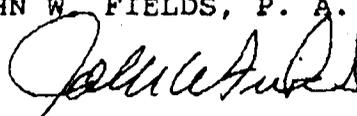
Dear Mr. Crain:

Pursuant to our telephone conversation on this date, my clients Mr. and Mrs. George Polk have asked me, on their behalf and as attorney for them and their daughter and son-in-law, to respectfully withdraw at this time their request for the abandonment, reconstruction and relocation of a portion of Leroy Road (SE11). My clients are in the process of obtaining additional engineering data and may resubmit this request in the future, and will certainly notify all parties involved prior to asking the matter be placed on the Oconee County Council agenda.

Thank you very much for your consideration to this matter.
With warm personal regards, I am

Very truly yours,

JOHN W. FIELDS, P. A.



John W. Fields
Attorney at Law

JWF:jma

cc: Julian Stoudemire

C. Samuel Donald, Chairman
Citizens Sign Committee
803 Jaimica Lane
Seneca, S.C. 29672

Hon. Norman Crain, Chairman
Oconee County Council
208 Booker Drive
Walhalla, S.C. 29691

November 1, 1994

Dear Mr. Crain:

I appreciate the support you and County Council members have given the "Welcome to Oconee County" sign project. The Citizens Sign Committee met earlier today with all members present and voting unanimously to respectfully ask your consideration of the following recommendations:

1. That Oconee County bid out the rock wall construction around the signs as a separate project. Within two weeks we would have specifications ready to turn in to Oconee County Purchasing. Mr. Petit of Eyecatcher Signs who drew the original plans has agreed for us to use his design. The Committee believes it would be in Oconee County's best interest to use a professional mason for this work.
2. That the official sign's "Oconee County" lettering be changed from all capital letters to capital first letters and the rest lower case (see attached drawing). This change is necessary to center the outline of the state without crowding. The deletion of the logo at the bottom of the sign caused this problem.
3. That the committee be allowed to recruit garden clubs, civic organizations, etc. to adopt sign sites and maintain them by trimming, planting flowers, pruning and weeding.

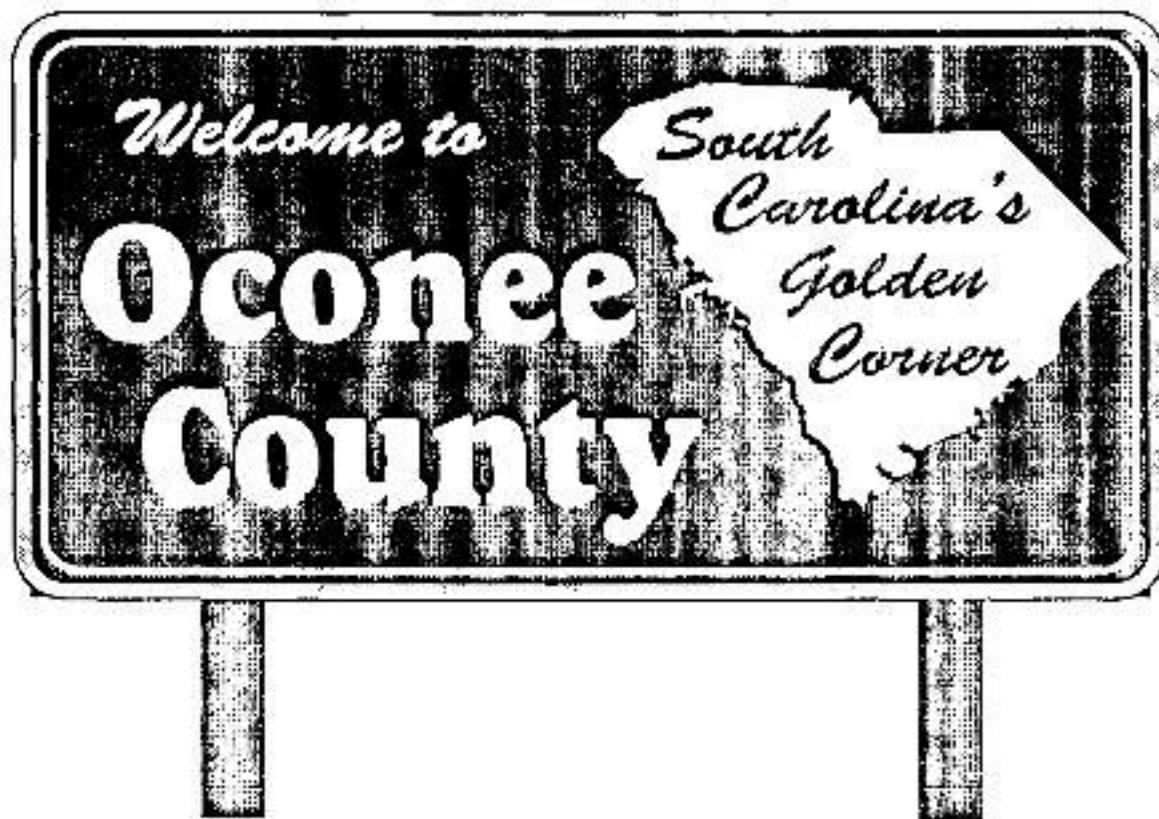
Again, thank you all for your support and call on me at any time with questions or concerns.

Best personal regards,


C. Samuel Donald, Chairman
Citizens Sign Committee

SD

cc: Oconee County Council Members
Citizens Sign Committee Members



OC02A

O C O N E E C O U N T Y A T A X A P P L I C A T I O N

Deadlines: October 1 March 1

Contact: For Information and Applications
S. J. Reidhead, Chairman Oconee County ATAX Committee
8720 West Oak Highway
Seneca, SC 29678
803 - 972 - 9044

Ernst Hesterberg, Vice Chairman
15 Foremast Circle
Salem, SC 29676
803-944-1554

DEADLINE: October 1 _____ March 1

1. Name of applicant organization: C. Samuel Donald,
Chairman - Citizens Sign Committee
2. Mailing address: 803 Jamaica lane
3. City: Seneca 4. Zipcode: 29672
5. Contact person: Sam Donald
6. Title: Chairman 7. Telephone: 882-1455, 638-4044
8. Fax: _____ 9. Project name: (if applicable) _____
"Welcome to Oconee County Sign Project"
10. Event starting date: Oct. 1994 11. Completion date: Dec 1994
12. Application category: a. government entity: _____
b. city: _____ c. county: d. district: _____
e. non profit organization: _____ f. incorporation
date: _____ g. eleemosynary organization under IRS
code: _____ h. date of determination letter: _____
i. IRS number#: N/A
13. Total itemized project budget: should include the cost
of the entire project and may be included on a separate
sheet.
14. ATAX funds requested: \$7,000.00
15. Itemized budget for ATAX funds
requested:
\$ 6,750.00 Rock wall construction and landscape materials
250.00 maintenance

16. How will these funds be used? To landscape nine "Welcome to Oconee County" sign sites
17. Is this a matching grant? NO 18. Source: _____
19. Funds furnished by your group: \$15,828.75 by Oconee County
20. Description of project: Funding requested is to landscape nine "Welcome to Oconee County" sign sites. These sites will be at the nine most traveled entrances to Oconee County. Signs are 4'x8' sand-blasted redwood mounted on 6"x6" treated post. Finished sites will be maintained (You may provide additional material, etc. on a by civic organizations separate sheet if necessary.)
21. Provide appropriate demographic data: Oconee County has roughly 60,000 residents. Literally thousands of visitors pass these sign sites daily.
 (Please provide estimates or actual attendance figures showing % of local, out of state, and over night guests will be attending the event.)
22. Who will benefit from this project? Citizens and businesses of Oconee County. Visitors and tourists will also enjoy the signs.
23. How will this project influence tourism in Oconee County? Visitors to Oconee County will be welcomed by attractive signs. They will be more likely to "give us a chance" as far as stopping to lodge, eat, shop and participate in recreational activities.
24. If possible, please provide material from a previous function. Balance sheets, flyers, promotional material would be appreciated.

I have read the attached guidelines for the Oconee County Accommodations Tax Fund, and do hereby agree to comply with all rules and regulations. I understand failure to comply may result in loss of funds for the project(s).

Signature: C. Samuel Donald Date: 10-26-94
 (Project Director)

Signature: _____ Date: _____
 (Administrative Official)

 (FOR OFFICE USE ONLY)

application received by: _____ date: _____
 review by ATAXIA Committee: date: _____ approved for
 submission to County Council: _____ date: _____ approved by
 County Council: _____ date: _____ funds forwarded: _____

October 28, 1994

Mr. Norman D. Crain
Supervisor-Chairman
Oconee County Council
208 Booker Drive
Walhalla, South Carolina 29691

Dear Mr. Crain:

This will confirm that the permit issued to Oconee County by this Agency dated July 18, 1994 for the installation of "Welcome To Oconee County" signs along certain state highways, a copy of which is attached hereto and identified as Exhibit "A", includes authorization for and approval of the sign design and structure as generally described on that proposal for Oconee County dated October 3, 1994, a copy of which is attached hereto and identified as Exhibit "B" and incorporated herein by this reference.

S.C. Dept. of Transportation

By: W. P. Nicholson
Waylan Nicholson
Resident Engineer
Oconee County

EXHIBIT "A"

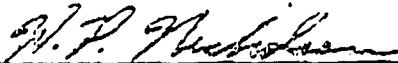
July 18, 1994

Mr. Norman D. Crain
Supervisor-Chairman
Oconee County Council
208 Booker Dr.
Walhalla, SC 29691

Dear Mr. Crain:

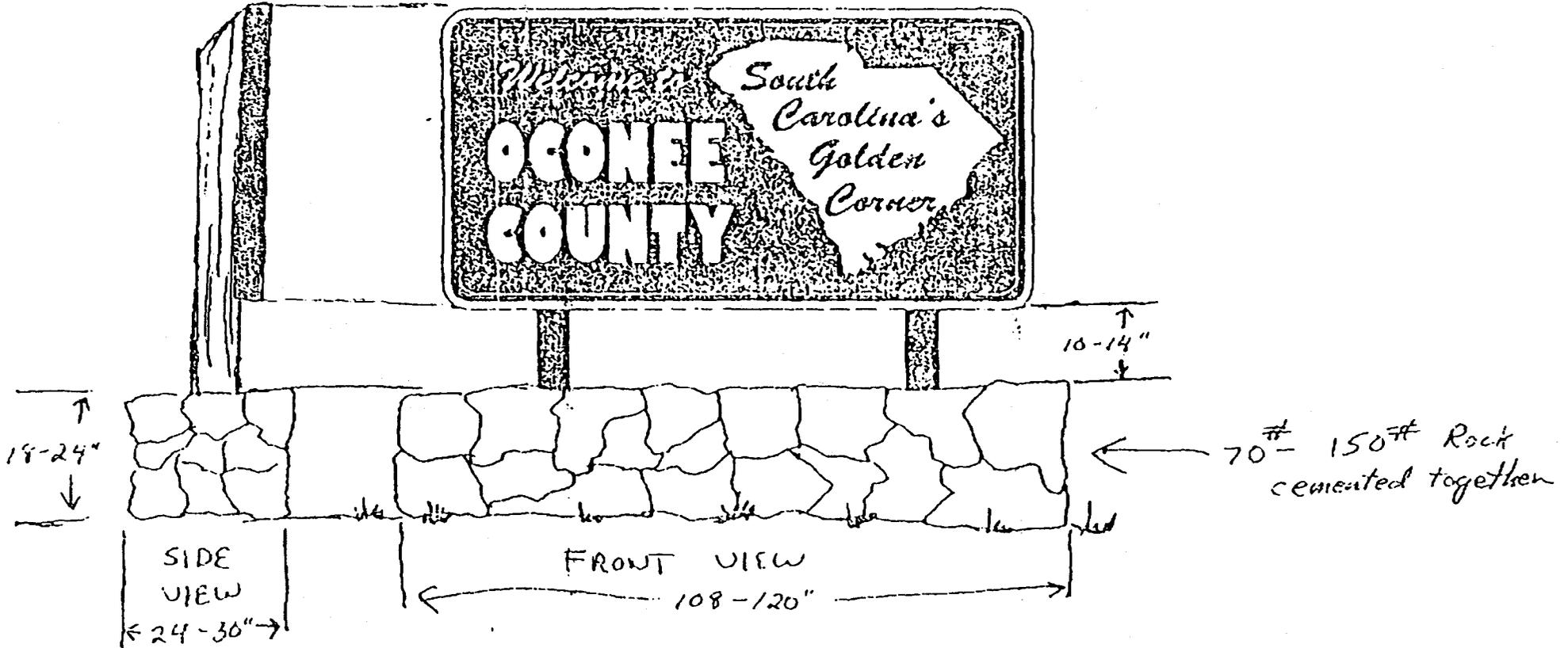
This is a permit allowing Oconee County to install, replace and maintain "Welcome to Oconee County" along State Highways listed below. The sign will be installed on the back side of the ditch or no closer than 6 feet to the edge of the pavement.

- (1) I-85 at Welcome Center
- (2) S-37-23 (Whitfield Rd.) @ I-85
- (3) S-37-207 (Richey Rd.) @ County line
- (4) S-37-30 (Pine Grove Rd.) @ County line
- (5) S-37-113 (Outy Rd.) @ County line
- (6) S-37-53 (Babb Rd.) @ County line
- (7) SC-24 (West Oak Hwy.) @ County line
- (8) S-37-37 (W. Cherry Rd.) @ County line
- (9) S-37-93 (Old Pendleton Rd.) @ County line
- (10) ~~US~~-123 (Clemson Blvd.) @ County line
- (11) S-37-27 (Lawrence Bridge Rd.) @ County line
- (12) SC-183 (E. Pickens Hwy.) @ County line
- (13) SC-11 (N. Hwy. 11) @ County line
- (14) SC-130 (Whitewater Falls Rd.) @ County line
- (15) SC-107 (State Park Rd.) @ County line
- (16) Not Applicable (U.S. Forest Service Rd.)
- (17) SC-28 (Highlands Hwy) @ County line
- (18) ~~US~~-76 (Long Creek Hwy.) @ County line
- (19) S-37-160 (Cleveland Pike Rd.) @ County line
- (20) ~~US~~-123 (Toccoa Hwy.) @ County line



Waylan Nicholson
SCDOT
Resident Engineer
Oconee County, SC

Proposed Landscape Detail



EyeCatcher
(SIGN)

SIGNS THAT MEAN BUSINESS!

112 N. Falgout St. Seneca, S.C. 29678

CLIENT	Oconee County	DATE	10/3/94
JOB	"Welcome" Signs	DRAWN BY	A. PETT
Bid #		94-12	

November 1, 1994

**GOLDIE
&
ASSOCIATES**

*engineering, environmental
and laboratory services*

Ms. Marianne Dillard
Oconee County Purchasing Dept.
208 Booker Drive
Walhalla, SC 29691

Re: Courthouse HVAC
Goldie & Associates Project # 22.12.2

Dear Ms. Dillard:

Enclosed are the bids for the courthouse HVAC. The low bidder was Tri-State Heating & Air Conditioning of Seneca. References have been checked on this contractor and were favorable. Therefore we recommend that the contract be awarded to Tri-State for the amount of \$24,250.00.

Please note, on the enclosed bid tabulation you will see a deduction for alternative # 2. This involves eliminating the return air duct to AC-1. We recommend that the system be installed with the return air duct per the original design and that this alternative not be accepted.

If there are any questions or if we can provide additional information, please call.

Sincerely,

GOLDIE & ASSOCIATES



Paul Lewis P.E.
Project Engineer



Steve Hughes
Project Manager

Enclosure: as stated

OPL3/HVACLETT.LTR

Bid Tabulation for Courthouse HVAC (22.12.1)

Item Description	Easley Mechanical	Tri State Heating & Air
Mechanical	29,760	21,500
Electrical	2,500	2,750
Total (original design)	<u>32,260</u>	<u>24,250</u>
Deduct (alternative #2)	-2,142	-4,000
Total (alternative #2)	<u>30,118</u>	<u>20,250</u>

OCONEE COUNTY COURTHOUSE
WALHALLA, SOUTH CAROLINA

THE COUNTY OF OCONEE

ALTERNATES:

20,250.00
twenty thousand two hundred + fifty

SUB-CONTRACTORS

If awarded the contract, we propose to use the following sub-contractors:

Sub-contractor:		License No.
Electrical:	<u>Clemets Electric, Inc</u>	<u>M1680</u>
Address:	<u>P.O. Box 2041 Seneca</u> <u>29879</u>	
Insulation:	<u>N/A</u>	
Address:		
Controls:	<u>N/A</u>	
Address:		

Contractor: Tri-State Heating + A/c
 Signed: Lenny Maguire (Signed)

Title: Owner
 Address: 2014 Industrial Park Place, Seneca SC 29678

S.C. Bidders License No.: 42483
 S.C. Contractors License No.: M 1648

THE COUNTY OF OCONEE

FORM OF PROPOSAL

10/27/94

(Date)

Oconee County Purchasing Department
208 Booker Drive
Walhalla, South Carolina 29691

Sirs:

In compliance with the Invitation to Bid, and having examined all the contract documents and having visited the project site, and being familiar with all conditions and requirements of the work, the undersigned hereby proposes to furnish all labor, materials, equipment, and services necessary for the Basement Air Conditioning Modifications, Oconee County Courthouse, Walhalla, South Carolina in accordance with the contract documents, drawings and specifications for the lump sum of two hundred + fifty thousand four thousand two hundred + fifty dollars

_____ Dollars. (Use words and figures)

The proposed lump sum shown above is broken down as follows:

Mechanical	\$	<u>21,500.00</u>
Electrical	\$	<u>2,750.00</u>
		=====
TOTAL LUMP SUM BASE BID	\$	<u>24,250.00</u>

TIME OF COMPLETION

The undersigned further agrees to begin work promptly upon receipt of the "Notice to Proceed" with an adequate force, carry the work forward as expeditiously as possible, and complete the work as follows: 100% completion by 11/13, Sunday 5:00 pm

ADDENDA

Addendum No. 1

LM

(Initial)

Addendum No. 2

LM

(Initial)

OCONEE COUNTY, SOUTH CAROLINA
WALHALLA, SOUTH CAROLINA

THE COUNTY OF OCONEE

ALTERNATES:

Deduct Alt #2 Deduct to omit return duct A/C 1

Install transfer duct w/grill

\$ 2142

SUB-CONTRACTORS

If awarded the contract, we propose to use the following sub-contractors:

Sub-contractor:		License No.
Electrical:	<u>Clements Electric Co.</u>	<u>1680</u>
Address:	<u>Walhalla, SC</u>	
Insulation:	<u>Easley Mechanical</u>	<u>M2272</u>
Address:	<u>Easley, SC</u>	
Controls:	<u>Easley Mechanical</u>	<u>M2272</u>
Address:	<u>Easley, S.C.</u>	

Contractor: Easley Mechanical

Signed: *Arthur H. Brewer*
(Signed)

Title: President

Address: 111 Neal St. Easley, SC 29642

S.C. Bidders License No.: B44121
G12863

S.C. Contractors License No.: M2272

OCONEE COUNTY COURTHOUSE
WALHALLA, SOUTH CAROLINA

THE COUNTY OF OCONEE

FORM OF PROPOSAL

10-28-94

(Date)

Oconee County Purchasing Department
208 Booker Drive
Walhalla, South Carolina 29691

Sirs:

In compliance with the Invitation to Bid, and having examined all the contract documents and having visited the project site, and being familiar with all conditions and requirements of the work, the undersigned hereby proposes to furnish all labor, materials, equipment, and services necessary for the Basement Air Conditioning Modifications, Oconee County Courthouse, Walhalla, South Carolina in accordance with the contract documents, drawings and specifications, for the lump sum of thirty two thousand two hundred and sixty dollars (\$32,260.00)

_____ Dollars. (Use words and figures)

The proposed lump sum shown above is broken down as follows:

Mechanical	\$	<u>29,760.00</u>
Electrical	\$	<u>2,500.00</u>
TOTAL LUMP SUM BASE BID		\$ <u>32,260.00</u>

TIME OF COMPLETION

The undersigned further agrees to begin work promptly upon receipt of the "Notice to Proceed" with an adequate force, carry the work forward as expeditiously as possible, and complete the work as follows: _____

ADDENDA

Addendum No. 1

A.H.B.
(Initial)

Addendum No. 2

A.H.B.
(Initial)

Oconee County Courthouse

Invited and interested in bidding

D&M Services 226-6256

Easley Mechanical 859-4926

Brunson Mechanical 638-5915

Cawley Mechanical 647-5697

Tri-State Heating 882-1024

Coster Heating 882-4905

Attending Pre Bid Meeting

D&M

Easley

Cawley

Tri-state

Bidding

Easley

Tri-state

September 27, 1994

RECEIVED

SEP 28 1994

OCCONEE COUNTY
PURCHASING DEPT.

HDR

Mr. Norman Crain
County Supervisor
Oconee County
P. O. Box 208
Walhalla, South Carolina 29691

Re: Staffed Convenience Centers - Package B
Grading Plane at Mountain Rest
HDR Project No. 7488-001-018

Dear Mr. Crain:

HDR staff met with your staff and Justice General Contractors on August 12, 1994, to discuss claims made by Justice for extra work regarding grading at the Mountain Rest site. Pursuant to our meeting, I received a letter dated August 18, 1994, attached, from Justice General Contractors outlining a reduction in their claim to \$3,930, which represents one-half their original claim.

As agreed in our August 12th letter, I am providing this letter as a response to the revised claim made by Justice General Contractors.

At a site meeting held June 1, 1994, I received calculations from the grading subcontractor of Justice relating the assumptions made during their bid preparation. The claim that was made to me was that, because of an unlabeled contour, the calculations were in error and an additional 1,310 cubic yards was required to complete the grading at the site. I took this information and two different engineers calculated the quantities using two different engineering methods. The average of our calculations was 617 cubic yards, about one-half of the 1,310 cubic yards submitted by Justice.

The contract includes a unit price of \$6.00 per yard to bring in and place miscellaneous fill. Using the 617 cubic yard quantity which we feel is the most accurate estimate of additional fill required, the total claim for extra work at \$6.00 per cubic yard is \$3,702.

In summary, we would support payment of an additional \$3,702 to Justice General Contractors to cover hauling and placing of an additional 617 cubic yards of fill material which was not included in their original bid price.

HDR Engineering, Inc.

Suite 1400
128 S. Tryon Street
Charlotte, North Carolina
28202-5001

Telephone
704 338-1800

Mr. Norman Crain
September 27, 1994
Page 2

If you have any questions regarding this information, please contact me.

Sincerely,

HDR Engineering, Inc.



Joseph C. Readling, P.E.
Project Engineer

JCR/nct

cc: Marianne Dillard
Jack Hirst
Tom Justice



Justice General Contractors, Inc.

PO Box 339 • Hwy 182/59 • Fair Play, SC 29643

803 • 972 • 3355

August 18, 1994

RECEIVED

AUG 25 1994

HDR
CHARLOTTE, N.C.

Mr. Joe Readling, PE
HDR Engineering, Inc.
128 S. Tryon St.
Suite 1400
Charlotte, NC 28202-5001

Re: Oconee Site Convenience Center "B"
Mountain Rest Site

Dear Joe:

Pursuant to our August 12, 1994 meeting with Oconee County officials, we request payment from the owner in the amount of \$3,930.00, which represents a 50% reduction in our original claim. Our claim for extra work is as outlined below:

1. The original topographic survey used by HDR Engineering was wrong. Unlabeled contours and errors in elevations has caused more backfill dirt to be placed.
2. We have incurred more expense because of survey errors and lost time on the job.
3. We agree to a reduction in our original claim only because we are at fault for not closing down the project when this controversy first started. This action would have pushed a discussion earlier on and allowed adjustments by the engineer as to grades. Our error of wanting to move the project at a fast rate is admitted.

Please forward the attached invoice to the owner as soon as possible. We hope that this issue will come to a close.

Sincerely,

Thomas E. Justice

cc: Norman Crain
Maryanne Dillard
Jack Hurst

August 19, 1994

INVOICE

To: Oconee County Purchasing Department
201 West Main Street
Walhalla, SC 29691

For Project: Oconee Site Convenience Center "B"
Mountain Rest Site

For additional backfill and grading required because of Incorrect
topographic survey.

Original Claim:

1,310 CY @ \$6.00/CY =	\$7,860.00
**Agreed 50% Reduction =	(<u>3,930.00</u>)
Total Due.....	\$3,930.00

Remit to:

Justice General Contractors, Inc.
PO Box 339
Fair Play, SC 29643



October 31, 1994

Ms. Marianne Dillard
Oconee County Purchasing Agent
208 Booker Drive
Walhalla, South Carolina 29691

Re: Oconee County Staffed Convenience Centers
Package B
HDR Project No. 7488-001-018

Dear Ms. Dillard:

On September 14, 1994, F&R visited the Mountain Rest Site at the request of Justice General Contractor's. Work at this site was at a standstill and the next item in the critical path of the construction schedule was pouring the concrete pads on the low side. The soil in the area was too wet to provide suitable base for the pads. F&R was called upon to recommend a course of action to improve the base so that work could continue.

In a letter dated September 19, 1994, F&R recommended overexcavating 18" in the areas under the pads, placing one layer of filter fabric, and backfilling with surge stone, thus attaining a suitable base for the pads (See letter attached). Justice felt a great deal of pressure to complete this work as quickly as possible, because as has been the case the entire contract period, rain was forecasted.

HDR spoke with Justice on September 20, 1994. At this time Justice and HDR worked through the cost of the changes and arrived at a fair price which was less than the cost would have been using the unit prices in the contract. Because it was important not to delay the project any further, HDR gave Justice verbal approval to proceed with the additional work, with direction to Justice to provide a cost summary in writing as soon as possible. The work was initiated on September 21, 1994, and Justice sent a letter to HDR on September 22, 1994, documenting the conversation of the 20th (attached).

In our efforts to expedite the project, we failed to coordinate the cost changes with the County. We are aware that appropriate protocol was not followed in this case. We were working with the County's best interest in mind and had no intention of placing the County, or the County's project at risk. We apologize for any confusion or inconvenience this may have caused.

If you have any questions, or wish to discuss this matter further, please do not hesitate to call.

Very truly yours,

HDR Engineering, Inc.

Johanna D. Quinn
Project Engineer

JDQ/dm

HDR Engineering, Inc.

10/31/94

Post-It™ brand fax transmittal memo 7871		# of pages > 2
To: Marianne Dillard	From: Johanna Quinn	
Co. Oconee Co. Purchasing	Co. HDR	
Dept.	Phone # 704-338-6836	
Fax # 803-638-4142	Fax #	

Suite 1400
128 S. Tryon Street
Charlotte, North Carolina
28202-5001

Telephone
704 338-1800

CHANGE



1881

FROEHLING & ROBERTSON, INC.
 GEOTECHNICAL • ENVIRONMENTAL • MATERIALS
 ENGINEERS • LABORATORIES
 "OVER ONE HUNDRED YEARS OF SERVICE"

1310 Lowndes Hill Road
 Greenville, SC 29607
 (803) 271-2840 Fax (803) 271-8124

RECEIVED

SEP 20 1994

HDR
 CHARLOTTE, N.C.

September 16, 1994

Mr. Tom Justice
 Justice General Contractors, Inc.
 P.O. Box 339
 Fair Play, South Carolina 29643

Reference: Mountain Rest Site
 Staffed Convenience Center
 Oconee County, South Carolina
 F&R File No.: V-65-044

Gentlemen:

At your request, our geotechnical engineer visited the above referenced project on September 14, 1994 to observe soil conditions in the area of the concrete slabs along the lower level of the new retaining wall. Some concern had been expressed due to the soft, wet soil conditions present along the retaining wall and the inability to dry out the wet soils. soils due to the area being shaded during the day.

Upon arrival, our engineer met with Mr. Tom Justice and Mr. Alan Hart of Justice General Contractors, Inc. The area of concern was observed and three shallow hand auger borings were performed. The locations of these borings are shown on the attached photocopy of a project drawing. These borings indicated a fill layer ranging in thickness from 1.5' at AU-1 to 3.5' at AU-2. The fill soils were classified as silty sands with mica. The fill was relatively high in moisture content which could be due to drainage from the retaining wall backfill and high than normal rainfall amounts during the past few months. After a review of our previous reports for this project, it should be noted that several density tests were performed in the vicinity of AU-2 and AU-3 during fill placement and at that time the compaction exceeded 95% of the material's maximum dry density.

Based upon our observations and review of previous reports, it is our opinion that the soils adjacent to the retaining wall shown on the attached drawing are unsuitable in their present condition for use a subgrade for the proposed concrete slabs. The following alternatives are recommended to remediate this area.

- 1) The unsuitable area (approximately 800 square feet) should be undercut to depths of 1.5 feet below existing grade. The exposed subgrade should then be proofrolled with a dumptruck in order to identify any areas of concern.



Justice General Contractors, Inc.
Fair Play, South Carolina
September 16, 1994

Mountain Rest Site
Staffed Convenience Center
Page 2

The overexcavation should then be covered with a filter fabric and backfilled to design grade with crushed stone.

- 2) The unsuitable area should be allowed to dry to a moisture content so that proper compaction can be performed. It is our opinion that this soil may require an extended period of optimum drying conditions.

It is recommended that all undercutting be observed by F&R personnel in order to quantify the amounts and to document that suitable soils have been encountered. It is also recommended that the entire lower level be proofrolled prior to the placement of filter fabric so that a suitable subgrade can be verified.

If you have any questions or need further information, please do not hesitate to contact us.

Sincerely,
FROEHLING & ROBERTSON, INC.

Rex T. Brown, E.I.T.
Geotechnical/Materials Engineer

cc: Mr. Joe Readling-HDR Engineering



Justice General Contractors, Inc.

PO Box 339 • Hwy 182/59 • Fair Play, SC 29643
803-972-3355

September 22, 1994

RECEIVED
SEP 28 1994

HDR
CHARLOTTE, NC

Mr. Joe Readling, PE
HDR Engineering, Inc.
128 S. Tryon St.
Suite 1400
Charlotte, NC 28202-3001

Re: Oconee Site Convenience Centers
Package "B"

Dear Joe:

As we discussed on September 19th., we quote the following prices for corrective work as recommended in the HDR Engineering letter of September 2nd., and the Froehling & Robertson, Inc. letter of September 16th.

1. Approximately 1,200 SY of GS150 Terra Tex Stabilization Fabric @ \$.73/SY.....\$ 876.00.
2. Approximately 115 CY of extra crusher run stone for undercutting wet soil under lower slabs and adding 2" of extra stone (36)CY to lower graveled area @ \$9.50/CY.....\$1,435.00.

Please note that you have recommended that F&R verify required undercutting and stone quantities, which may vary as to needed work. We will be paid on actual quantities used. Also, the owner is to provide the stone free of charge at the quarry.

We request (8) days time extension for this extra work. We are proceeding with this work as directed by you. We will settle up with a Change Order when actual quantities used are verified.

Thank you for your help in keeping this project moving.

Sincerely,

Thomas E. Justice

cc: Johanna Quinn - HDR
Allen Hart - JGC

OCONEE COUNTY BID TABULATION

BID FOR: Replacement Parts for a 1987 Mitsubishi 580 shove SN 145

DATE: October 25, 1994

BID NO: 94-15

LOCATION: Walhalla, SC

TIME: 2:00 p.m.

BIDDERS	Blanchard Machinery, Inc				
100 - Shoes G24501601	\$69.51/ea \$6,951.00				
400 - Bolts G24502100	3.00/ea 1,200.00				
400 - Nuts G24502101	.89/ea 356.00				
Freight	250.00				
TOTAL	\$8,757.00				
Delivery	4 weeks				

ATTENDING OPENING: Scott Forrester - Blanchard; Ronnie Smith - Motor Pool; Jenny Peay - Purchasing

(Use this number on envelopes and all related correspondence.)

BID FORM
 OCONEE COUNTY
 PURCHASING DEPARTMENT
 201 WEST MAIN STREET
 WALHALLA, SOUTH CAROLINA 29691

The Blanchard Machinery Co.
 submits herewith our Bid in response to bid request number shown above, and in compliance with the description(s) and/or specification(s) numbered one page and attached hereto for replacement parts for a 1987 Mitsubishi 580 shovel, serial number 145

100	Shoes G24501601	\$	<u>69.51</u>	1ea.	\$	<u>6,951.00</u>
400	Bolts G24502100	\$	<u>3.00</u>	1ea.	\$	<u>1,200.00</u>
400	Nuts G24502101	\$	<u>.89</u>	1ea.	\$	<u>356.00</u>
				FREIGHT		<u>250.00</u>
	TOTAL	\$			\$	<u>8757.00</u>

Bid shall include delivery to location stated on Bid Notice.

Show any exception, deviation, extra computation, or information on Bid Supplemental Form attached hereto.

Delivery Date: 11-25-94

BIDDING ORGANIZATION Blanchard Machinery Co.
 ADDRESS: P.O. BOX 224 Neely Ferry Rd.
 CITY, STATE, ZIP CODE Simpsonville S.C. 29681

SIGNATURE OF BIDDERS REPRESENTATIVE: Scott J. [Signature]
 TITLE: PSSR
 DATE: 10/25/94
 TELEPHONE: 803-963-3645

OCONEE COUNTY BID TABULATION

BID FOR: Proposals for ADA Self Evaluation Study/Report **DATE:** October 27, 1994

BID NO: 94-14 **LOCATION:** Walhalla, SC **TIME:** 2:00 p.m.

BIDDERS	Nicholson Construction	Marshall Clark Architects			
Base	\$3,500.00	✓			
Building Floor Area	+ .25 sq. ft. X151,505=\$37,876				
Parks, MCC's, etc.	\$500 x 3 Parks \$1,500.00				
Initial Report Per Facility	\$50 x 20(?)= \$1,000.00				
Grand Total	\$43,876	\$25,000			
	Minimum				

ATTENDING OPENING: Marianne Dillard, Jenny Peay - Purchasing; Helen Jackson - Motor Pool

NICHOLSON CONSTRUCTION



OCT, 25,1994

OCONEE COUNTY
201 WEST MAIN ST.
WALHALLA,S,C, 29591

RE: ADA STUDY/REPORTS

GENTLEMEN:

Our firm is pleased to submit the following for your review and consideration.

We will identify all of the county:s programs.activities, functions and services as the relate to accessibility by the general public.

We will provide a self-evaluation transition plan for structural solutions as it relates to the Accassibility requirements in accordance with the Americans with Disabilities Act.

Items 1 thru 9 of your guidlines will be examined under Title II of ADA.

Items 10,12 &13 will be examined under Title I of ADA.

Item 11 should be a policy or ordinance with enforcement under Building Code or contract requirements.

We will provide three copies of a Transion Plan for each County facility surveyed.

NICHOLSON CONSTRUCTION



We will ask the county administrator to have county council to appoint a committee of Disabled Citizens to provide input into the Transition Plan and we will conduct a public hearing to review the final documents before presenting them to council.

The Transition Plans will be suitable for submission with Grant applications and to state and federal agencies who may utilize county facilities.

SCHEDULE OF FEES

- 1.) Review of all county policies, practices and procedures. Meet with committees, Dept. Heads and conduct public hearings as necessary. \$3500.00

- 2.) Survey all county facilities utilizing the A.T.B.C.B forms. Provide a Transition Plan for structural changes with estimated costs. Surveys of buildings will include adjacent, connecting parking lots, loading zones and pathways,
Per sq. ft. of building floor area. \$.25

- 3.) Recreation areas, Parks, Trash Collection Sites, Remote parking lots and other areas open to the outdoors. \$500.00/ea. site

- 4.) Initial Report (three copies per facility) \$50.00/Facility

NICHOLSON CONSTRUCTION



All personnel will be properly trained and experienced in conducting surveys as required by the Americans with Disabilities Act.

We will complete the study// by Jan 23,1995 provided a notice to proceed is received by Nov. 15.1994.

We look forward to providing this service to your county and if you require additional information, please contact me.

Chas H. Nicholson
1176 Putnam Dr.
Chapin,S,C, 29036

803-345-1484
803-581-0942

Encloser:

LIST OF COUNTY BUILDINGS

/ COURT HOUSE	MAIN AND CHURCH STREETS,	WALHALLA - 28,515
/ MOTOR POOL	MAIN AND TUGALOO STREET,	WALHALLA - 9,063
/ BROWN BLDG. (DSS)	MAIN AND TUGALOO STREET,	WALHALLA - 14,450
/ PLANNING & DEVELOPMENT	MAIN STREET,	WALHALLA - 2,919
/ MCCAULEY BUILDING (RENT)	SHORT STREET,	WALHALLA - 2,712
/ OLD WELFARE BUILDING	SHORT STREET,	WALHALLA - 3,041
/ FOOD SERVICE BUILDING	SHORT STREET,	WALHALLA
/ PROBATION BUILDING	SHORT STREET,	WALHALLA - 3,253
/ VOTER REGISTRATION	SHORT STREET,	WALHALLA
/ VETERANS BUILDING	SHORT STREET,	WALHALLA
/ WALHALLA LIBRARY	BROAD STREET,	WALHALLA 20,174
/ AGRICULTURE BUILDING	BROAD AND CHURCH STREETS,	WALHALLA - 6,428
/ PUBLIC SERVICE BLDG.	208 BOOKER DRIVE,	WALHALLA - 4,500
/ HEALTH DEPARTMENT	BROAD STREET,	WALHALLA - 10,510
/ 911 OFFICE	BOOKER DRIVE	WALHALLA - 1,900
/ LAW ENFORCEMENT CENTER	CHURCH STREET,	WALHALLA - 27,394
/ ROAD DEPT. HEADQUARTERS	FIVE FORKS	WALHALLA
/ ANIMAL SHELTER	321 CAMP ROAD	WALHALLA
/ ROCK CRUSHER BUILDING	ZION COMMUNITY	WALHALLA - 3,120
/ LAKEVIEW REST HOME	320 CAMP ROAD	WALHALLA
/ COUNTY GOVERNMENT BLDG. (HOUSES MAGISTRATE AND HEALTH CLINIC)	106 E. WINDSOR STREET, WESTMINSTER	
/ WESTMINSTER LIBRARY	12 W. NORTH AVENUE,	WESTMINSTER 5,252
/ SALEM LIBRARY	JOCASSEE LAKE ROAD,	SALEM
/ SENECA HEALTH DEPT.	107-A N. 1ST STREET,	SENECA
/ SENECA LIBRARY	300 E. 2ND STREET,	SENECA - 4,446
* / SENECA MAGISTRATE	312 W. NORTH 1ST STREET,	SENECA
/ LUNNEY MUSEUM	211 W. SOUTH 1ST STREET,	SENECA - 3,122
/ OCONEE COUNTY SEWER COMM	623 RETURN ROAD,	SENECA
/ ROSA CLARK CLINIC		SENECA
/ SENIOR CITIZEN CENTER		SENECA
/ AIR PORT BUILDINGS	365 AIR PORT ROAD	SENECA 706
3 BUILDINGS AT SOUTH COVE	SOUTH COVE PARK	SENECA
3 BUILDINGS AT HIGH FALLS	HIGH FALL PARK	SENECA
2 BUILDINGS AT CHAU RAM	CHAU RAM PARK	WESTMINSTER 88

37,876 (2)
 3,500 (1)
 1,500 (3)
 50 (4)

42,926

BID NO. 94-14

(Use this number on envelopes and all related correspondence)

BID FORM
OCONEE COUNTY
PURCHASING DEPARTMENT
201 WEST MAIN STREET
WALHALLA, SOUTH CAROLINA 29691

The NICHOLSON CONSTRUCTION CO.
submits herewith our Bid in response to bid request number shown above, and in
compliance with the description(s) and/or specification(s) numbered 3 pages
and attached hereto for ADA study/report

Base Bid (L.S.) \$ _____

SEE ATTACHED BID SUPPLEMENTAL FORM.

Bid shall include delivery to location stated on Bid Notice.

Show any exception, deviation, extra computation, or information on Bid Supplemental Form attached hereto.

Delivery Date: JANUARY, 29, 1995

BIDDING ORGANIZATION NICHOLSON CONSTRUCTION CO.

ADDRESS: P.O. BOX 1176 PUTNAM DR.

CITY, STATE, ZIP CODE CHAPIN, S.C. 29036

SIGNATURE OF BIDDERS REPRESENTATIVE: *Chris H. Nichols*

TITLE: OWNER

DATE: OCT. 27, 1994

TELEPHONE: 803-345-1484/803-581-0942

BID SUPPLEMENTAL FORM
OCONEE COUNTY
PURCHASING DEPARTMENT
COUNTY MAIL ROOM
WALHALLA, SOUTH CAROLINA 29691

DATE OCT. 27. 1994

BID NO. 94-14

SEE THE ATTACHED LETTER OF QUOTATION

(Use this number on envelope
and all related correspondence)

BID FORM
OCONEE COUNTY
PURCHASING DEPARTMENT
201 WEST MAIN STREET
WALHALLA, SOUTH CAROLINA 29691

The Firm of Marshall Clarke Architects, Inc.
submits herewith our Bid in response to bid request number shown above, and in
compliance with the description(s) and/or specification(s) numbered 3 pages
and attached hereto for ADA study/report

Base Bid (L.S.) Twenty Five Thousand Dollars \$ 25,000.00

Bid shall include delivery to location stated on Bid Notice.

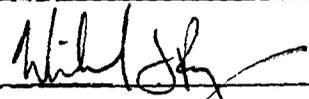
Show any exception, deviation, extra computation, or information on Bid Supplemental
Form attached hereto.

Delivery Date: OCTOBER 27, 1994

BIDDING ORGANIZATION Marshall Clarke Architects, Inc.

ADDRESS: P.O. BOX 6537

CITY, STATE, ZIP CODE Greenville, South Carolina 29606

SIGNATURE OF BIDDERS REPRESENTATIVE: 

TITLE: Architect

DATE: October 26, 1994

TELEPHONE: 803-232-8204

BID SUPPLEMENTAL FORM
OCONEE COUNTY
PURCHASING DEPARTMENT
COUNTY MAIL ROOM
WALHALLA, SOUTH CAROLINA 29691

DATE October 26, 1994

BID NO. 94-14

- 1) We understand that work is to be complete no later than January 23, 1995.
- 2) This proposal assumes that Fifty (50) buildings/facilities will be surveyed.
- 3) This proposal includes all costs for printing, booklet preparation and travel. One copy of each book for each facility will be provided as part of this proposal. Additional copies will be provided at cost.

SPECIFICATIONS - ADA STUDY/REPORT

Oconee County desires to engage a firm and/or individual(s) who are familiar with the American with Disabilities Act Title II to conduct a self evaluation plan for Oconee County. Upon completion of the self study a report of the study and recommended changes to bring the county into compliance with the Americans with Disabilities Act Title II should be issued to the county.

The guidelines for the study are as follows:

- 1) Identify all of the county's programs, activities and services; and
- 2) Review all the policies and practices that govern the administration of the county's programs, activities and services.

Analyze whether these policies and practices adversely effect the full participation of individuals with disabilities in its programs, activities and services.

- 1) Examine each program to determine whether any physical barriers to access exist. Identify steps that need to be taken to enable these programs to be made accessible when viewed in their entirety. If structural changes are necessary, they should be included in the transition plan.
- 2) Review county policies and practices to determine whether any excluded or limit the participation of individuals with disabilities in its programs, activities or services. Such policies or practices must be modified, unless they are necessary for the operation or provisions of the program, service or activity. Identify policy modifications to be implemented and include complete justifications for any exclusionary or limiting policies or practices that will not be modified.
- 3) Review county policies to ensure that it communicates with applicants, participants and members of the public with disabilities in a manner that is as effective as its communication with others. Be sure that TDD's or equally effective telecommunication systems are used to communicate with individuals with impaired hearing or speech. Since the county provides telephone emergency services, review its policies to ensure direct access to individuals who use TDD's and computer modems.
- 4) Review county policies to ensure that they include provisions for readers for individuals with visual impairments; interpreters or other alternative communication measures, as appropriate, for individuals with hearing impairments; and amanuenses for individuals with manual impairments. A method for securing these services should be developed including guidance on when and where these services will be provided. Where equipment is used as part of the program, activity or service an assessment should be made to ensure that the equipment is usable by individuals with disabilities, particularly individuals with hearing, visual and manual impairments. The county should have policies that ensure that its equipment is maintained in operable working order.

- 5) A review should be made of the procedures to evacuate individuals with disabilities during and emergency. This may require the installation of visual and audible warning signals and special procedures for assisting individuals with disabilities from a facility during an emergency.
- 6) A review should be conducted of the county's written and audio-visual materials to ensure that individuals with disabilities are not portrayed in an offensive or demeaning manner.
- 7) In any county historic preservation program, review its policies to ensure that it gives priority to methods that provide physical access to individuals with disabilities.
- 8) Review county policies to ensure that its decisions concerning a fundamental alteration in the nature of a program, activity, or service, or a decision that an undue financial and administrative burden will be imposed by title II, are made properly and expeditiously.
- 9) Review county policies and procedures to ensure that individuals with mobility impairments are provided access to public meetings.
- 10) Review county employment practices to ensure that they comply with other applicable nondiscrimination requirements, including section 504 of the Rehabilitation Act and ADA regulation issued by the Equal Employment Opportunity Commission.
- 11) Review county building and construction policies to ensure that the construction of each new facility or part of a facility conforms to the standards designated under the title II regulation.
- 12) A review should be made to ascertain whether measures have been taken to ensure that employees of the county are familiar with the policies and practices for the full participation of individuals with disabilities. If appropriate, training should be provided to employees.
- 13) Since county limits or denies participation in its programs, activities, or services based on drug usage, it should make sure that such policies do not discriminate against former drug users, as oppose to individuals who are currently engaged in illegal use of drugs.

If county has policies and practices that deny or limit the participation of individuals with disabilities in its programs, activities and services, recommend remedial action to eliminate the impediments to full and equivalent participation. Recommend structural modifications that are required for program accessibility.

Transition plan.

- 1) A list of the physical barriers in the county facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- 2) A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible;

Oconee County did a Section 504 compliance study which was adopted August 28, 1984. This study is available for your use. Questions regarding the study/report may be directed to Ned Hunnicutt, Oconee County Finance Director, telephone 803-638-4235.

The successful bidder shall have until January 23, 1995 to complete the study/report and submit to Oconee County. Prospective bidders shall include with their lump sum bid a statement of their qualifications and/or list of other clients for whom they have prepared similar studies.

7 FAXED
11-01-94
MO.

HDR

November 1, 1994

Mr. Norman Crain
County Supervisor
Oconee County
208 Booker Drive
Walhalla, SC 29691

Re: Oconee County - Staffed Convenience Centers
HDR Project No. 7488-001-018

Dear Mr. Crain:

Thank you for the time you allowed our Mr. M. L. Love to discuss the referenced project with you this morning. Mr. Love has advised me he reached the following conclusions with you:

1. HDR did not perform as expected. Apparently we not only failed to convey our need for additional fees to perform certain activities not included in our original agreement, we also began working on these activities before we received your written notice to proceed.
2. Our statement of costs for the additional services associated with the convenience centers' design, bidding, and construction inspection has varied over the past few months.
3. You have agreed some additional, out-of-scope work has been performed and for which HDR is due additional compensation.
4. In addition to the compensation included in our original agreement, the additional fee of \$15,000 will cover HDR's additional expenses for design and other services including adequate construction monitoring through completion of the nine convenience centers.
5. HDR will not commence any additional work for which we may expect additional fees without discussing the additional work with you, notifying you in writing of our intent, and receiving from you a written notice to proceed.

Mr. Norman Crain
November 1, 1994
Page 2

Again, we appreciate your time and patience in resolving these matters. We look forward to our future association with you and Oconee County.

Sincerely,

HDR Engineering, Inc.



Dan A. Hawkins, P.E.
Vice President

ex: 6775

DAH/nct

cc: M. L. Love
Joe Readling
Jeremy O'Brien